

REMARKS

Claims 1-20 are pending in the application. It is gratefully acknowledged that Claims 1-8 and 14-17 have been allowed. The Examiner has rejected Claims 9 and 18 under 35 U.S.C. §103(a) as being unpatentable over Hulyalkar et al. (U.S. Patent 6,198,728) in view of Guy et al. (U.S. Patent 5,940,479). The Examiner has rejected Claims 10, 11, 19 and 20 under 35 U.S.C. §103(a) as being unpatentable over Hulyalkar et al. in view of Guy et al., and further in view of Kubler et al. (U.S. Patent 6,389,010). The Examiner has rejected Claim 12 under 35 U.S.C. §103(a) as being unpatentable over Hulyalkar et al. in view of Rumer et al. The Examiner has rejected Claim 13 under 35 U.S.C. §103(a) as being unpatentable over Hulyalkar et al. in view of Rumer et al., and further in view of Kubler et al.

Claims 9 and 18 were rejected under 35 U.S.C. §103(a) as being unpatentable over Hulyalkar et al. in view of Guy et al. Each of Claims 9 and 18 recite a W-PVCP layer that buffers the subsequent voice packets for a predetermined time period based on the synchronization delay. The Examiner states that Guy et al. discloses this element. Applicants respectfully disagree. Guy et al. merely states that a time stamp is used to determine if a subsequent packet is late, and is silent as to whether the time packets are stored in a buffer. Further, Guy et al. has a jitter buffer for buffering and discloses a time stamp for allowing a destination server to estimate when a subsequent packet of data is to be received. However, the claims of the present application recite calculating a round trip time by referring to a time stamp, buffering the following voice packets to a packet voice application at a certain interval. That is, the claims of the present application are different from Guy et al in that the round trip time is calculated by using the time stamp and a buffering is performed for the build out delay based on the calculated round trip time, which is not disclosed in Guy et al. Based on at least the foregoing argument, withdrawal of the rejections of Claims 9 and 18 is respectfully requested.

Claim 12 was rejected under 35 U.S.C. §103(a) as being unpatentable over Hulyalkar et al. in view of Rumer et al. The Examiner states on page 2 of the Office Action, "Applicant's arguments with respect to claims 9-13 and 18-20 have been considered but are moot in view of the new ground(s) of rejection." The Examiner then goes on to reject Claim 12 under the exact same references and grounds for the rejection, verbatim. It is respectfully requested that that the Examiner either allow Claim 12, provide a proper reply to the arguments contained in the June

10, 2003 Response, or supply a new ground for rejection. Further, regarding the substance of the rejection of Claim 12, Rumer et al. is based on a circuit switching system, while the present invention is based on a packet switching system. Thus, Rumer et al. does not disclose technical features of the present invention. Based on at least the foregoing arguments, withdrawal of the rejection of Claim 12 is respectfully requested.

Independent Claims 9, 12 and 18 are believed to be in condition for allowance. Without conceding the patentability per se of dependent Claims 10, 11, 13, 19 and 20, these are likewise believed to be allowable by virtue of their dependence on their respective independent claims. Accordingly, reconsideration and withdrawal of the rejections of dependent Claims 10, 11, 13, 19 and 20 is respectfully requested.

Accordingly, all of the claims pending in the Application, namely, Claims 1-20, are believed to be in condition for allowance. Should the Examiner believe that a telephone conference or personal interview would facilitate resolution of any remaining matters, the Examiner may contact Applicants' attorney at the number given below.

Respectfully submitted,



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